

R277-108 received final approval by the Utah State Board of Education on September 6, 2018. R277-108 is published in the October 1, 2018 Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of November 7, 2018.

R277. Education, Administration.

R277-108. Annual Assurance of Compliance by Local School Boards.

R277-108-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board; and

(b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law and allows the Board to interrupt disbursements of state aid to any district which fails to comply with rules adopted in accordance with the law.

(2) The purpose of this rule is to provide local school boards with a list of laws requiring local school board action and a means of assuring that local boards are in compliance.

R277-108-2. Definitions.

~~["Annual assurance letter" means a letter required annually from each local school board by the Board to be received no later than October 1 of each year that provides the required compliance information and documentation, if directed, for identified programs and funds.]~~

(1) "Assurance document" means the Annual Assurances of Compliance list outlined in Subsection R277-108-3.

R277-108-3. Incorporation of Annual Assurances of Compliance.

(1) This rule incorporates by reference the Annual Assurances of Compliance List, which lists the required state and federal compliance information for identified programs and funds, including:

(a) Board Rule;

(b) State statute;

(c) Federal Code of Regulations; and

(d) Federal Law.

(2) A copy of the current Annual Assurances of Compliance List is located at:

(a) <https://www.schools.utah.gov/financialoperations/formsapplications?mid=2382&tid=2>; and

(b) the Utah State Board of Education - 250 East 500 South, Salt Lake City, Utah 84111.

R277-108-[3]4. [Superintendent Responsibilities.] Assurance Document Creation and Availability.

(1) The Superintendent shall provide a list of laws and a list of State Board of

Education Administrative Rules which require action or compliance by June 1~~[30]~~ of each year to school district superintendents, the superintendent for the Utah School for the Deaf and the Blind and charter school directors.

(2) The list described in Subsection (1) shall be approved by the Board and shall identify laws and rules along with required compliance dates and reporting forms, if different or necessary than or in addition to the annual assurance [letter] document.

(3) The Superintendent shall consolidate all required reporting and compliance forms and provide for electronic reporting, to the extent possible and ensure the assurance document is available publicly.

R277-108-[4]5. [LEA Responsibilities.] Process, Procedures, and Penalties

(1) An LEA shall submit the required annual [assurance letter] responses to the assurance document and other compliance forms on or before dates identified by the Board.

(2) An LEA's assurance document shall contain a signed attestation by the appropriate authority attesting to the accuracy and validity of all responses and assurances provided by an LEA.

(3~~[2]~~) In the event that an LEA is unable to provide required assurances, compliance information or forms by required dates, an LEA shall provide to the Superintendent a written explanation of the LEA's inability and provide [compliance date] an anticipated submission date.

(4~~[3]~~) An LEA's request for additional time to provide the assurances shall be reviewed by the Superintendent and accepted or rejected in a timely manner.

(5) The Superintendent shall request a written explanation from an LEA and identified schools that fail to meet the reporting and compliance deadlines and that have not provided an explanation and request for a delayed submission date.

(6) Following an opportunity to provide explanations and request a delayed submission date, an LEA[s] and identified schools shall be notified of penalties assessed by the Board against the LEA[s] in accordance with rule R277-114, state law, or federal law.

[R277-108-5. Assurances.

~~An LEA shall provide, consistent with state law, written assurance of the following:~~

~~(1) the National motto is displayed in schools consistent with Subsection 53G-10-302(6);~~

~~(2) the Pledge of Allegiance is recited in public schools consistent with Subsection 53G-10-304(3);~~

~~(3) a policy has been developed, in consultation with school personnel, parents, and school community, to provide for effective implementation of student education plans and plans for college and career readiness consistent with Subsection 53E-2-304(2)(b);~~

~~(4) compliance with Section 53G-11-205, that the LEA does not endorse or provide preferential treatment for any education employee association;~~

~~(5) a policy has been developed for the Quality Teaching Block Grant Program consistent with Section 53F-2-517;~~

~~—— (6) a policy has been developed on education association leave consistent with Section 53G-11-206;~~
~~—— (7) each public school within the LEA has established a community council consistent with Section 53G-7-1202, and the community council members have been advised of their responsibilities consistent with Sections 53G-7-1202 and 53G-7-1204;~~
~~—— (8) the LEA has provided the Superintendent with required Utah Performance Assessment System for Students (U-PASS) test results in order for the Superintendent to fulfill the requirements of Section 53E-4-311;~~
~~—— (9) the LEA does not make payroll deductions from the wages of its employees for political purposes consistent with Subsection 34-32-1.1(2);~~
~~—— (10) the LEA has implemented a training program for school administrators consistent with Subsection 53G-4-402(1)(f);~~
~~—— (11) for a school district, the local school board has an educator evaluation program developed by a joint committee including classroom teachers, parents and administrators consistent with Section 53G-11-506;~~
~~—— (12) the local school board or charter school governing board has presented and implemented an electronic device policy consistent with the timelines and provisions of R277-495;~~
~~—— (13) the LEA has posted the LEA's collective bargaining agreement on the LEA's website within ten days of the ratification or modification of any collective bargaining agreement consistent with Section 53G-11-207;~~
~~—— (14) by May 15 of each year, the LEA has posted certain public financial information on the LEA's website consistent with Sections 63A-3-401 through 63A-3-404; and~~
~~—— (15) the LEA has trained educators employed by the LEA on the Utah Educator Professional Standards described in Rules R277-515 and R277-516 as required in Section R277-515-7.]~~

R277-108-6. Reporting Deadlines.

~~[Letters]~~Responses for the assurance document from an LEA[s assuring compliance with the laws described in Section R277-108-5]are due to the Superintendent no later than ~~[October]~~July 1 of each year.

~~[R277-108-7. Penalties for Noncompliance.~~

~~—— (1) The Superintendent shall request written explanation from an LEA and identified schools that fail to meet reporting and compliance deadlines.~~
~~—— (2) Following an opportunity to provide explanations and request delays, an LEA[s] and identified schools shall be notified of penalties assessed by the Board against the an LEA[s] in accordance with rule R277-114.]~~

R277-108-[8]7. Record Retention.

~~(1)[Letters of assurance]~~Responses to the assurance document, as required by the Board, shall be kept on file by the Superintendent for five years, together with letters of explanation and documentation of penalties, as directed by the Board.

KEY: local school boards, compliance

Date of Enactment or Last Substantive Amendment: November 7, 2017

Notice of Continuation: September 13, 2017

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4)